

Counselor and client: F. Lee Bailey
and a smiling Dr. Carl Coppolino.

F. Lee Bailey's Strangest Murder Case

Dr. Carl Coppolino's offer to help Marjorie Farber stop smoking led to an affair that ended in the deaths of her husband and his wife. Was it murder—or a case of a woman who wanted to punish a man so badly "she would sit on his lap in the electric chair just to make sure he dies"? Another fascinating chapter from *The Defense Never Rests*, the courtroom life of America's most colorful defense lawyer. By F. Lee Bailey with Harvey Aronson



On July 9, 1966, the Sarasota, Florida, *Herald-Tribune* headlined: 2-STATE PROBE LAUNCHED IN DEATH OF SARASOTA DOCTOR. The doctor was Carmela Coppolino, the 32-year-old mother of two little girls. She had died August 28, 1965, of an apparent heart attack. Now, more than 10 months later, authorities were investigating the possibility that she had been murdered—with a dose of succinylcholine chloride administered by her doctor husband. Succinylcholine chloride is an ideal murder weapon; it is virtually undetectable in the victim's bloodstream.

Carl Coppolino, a 34-year-old anesthesiologist, had moved his family from Middletown, N.J., to Florida in April 1965 because he was suffering from a heart condition. As an anesthesiologist, he was familiar with the use of succinylcholine chloride. Carmela was heavily insured, and just 42 days after her death, Coppolino remarried.

The other state in the two-state probe was New Jersey, where, in connection with Carmela Coppolino's death, authorities were investigating the death of William E. Farber, a 54-year-old insurance executive and retired Army colonel. Farber had died in Middletown on July 30, 1963. Again, death had been attributed to a heart attack. Now, three years later, his body was exhumed and police began examining the possibility that Farber had been smothered by his former neighbor, Dr. Carl Coppolino.

In both cases, Coppolino was accused by Marjorie Cullen Farber, a slim, black-haired woman who at 52 was still able to wear a bikini. She was William Farber's widow and Carl Coppolino's ex-mistress. Mrs. Farber claimed that Carl, an expert hypnotist, had mesmerized her into intimacy, and then into helping him kill her husband.

On July 21, 1966, Dr. Carl Coppolino was indicted by a Monmouth County Grand Jury in New Jersey for the murder of William Farber. Four days later, a Sarasota County Grand Jury in Florida indicted him for the murder of Carmela Coppolino.

Carl Coppolino grew up poor in Brooklyn, where his father was a barber who worked hard in other men's shops. Carl was bright and ambitious and when he finished high school he was accepted by Fordham University. He worked summers to earn his tuition, and met his expenses with a \$5-a-week allowance. His parents scraped together and his profits from a 10-cent-limit poker game played daily in the school cafeteria.

In 1951, he began corresponding with Carmela Musetto, a premed student at Trinity College in Washington, D.C., and the daughter of a wealthy Boonton, N.J., physician. His mother, a friend of Dr. Musetto's sister-in-law, had obtained Carmela's address on a visit to Boonton. In 1952, Carl and Carmela started dating.

After graduating in 1954, Carl enrolled at the Downstate Medical Center of the State University of New York in Brooklyn. Carmela enrolled at the Women's College of Medicine in Philadelphia, but transferred to Downstate in 1956. She and Carl had married that summer. By the time they graduated as doctors in 1958, they were the parents of an 11-month-old daughter, who was in the doting care of Carmela's mother.

By 1960, the Coppolinos were thriving. Their daughter, Monica Ann, was with them in their home in Nutley, N.J., where Carmela worked for a pharmaceutical firm. Carl was chief resident in anesthesiology at Methodist Hospital in New York. He had published, in the *New York State Journal of Medicine*, an article titled "Hypnosis in Anesthesiology."

In July 1962, Carl became a staff anesthesiologist at Riverview Hospital in Red Bank, N.J. So that he could be closer to his work, he and Carmela sold their home in Nutley and bought a split-level house in Middletown, N.J.

That October, Carmela, who was pregnant again, entertained neighborhood housewives at a tea in her home. The guests included Marge Farber, who lived down the street.

The following January, Carmela gave birth to a second daughter, Lisa Marie. But otherwise, that year, the luster started coming off the Coppolinos' lives. Carl suffered two heart attacks. He learned that he had a coronary insufficiency, a condition that forced him to resign from Riverview and to apply successfully for the benefits of a disability policy he held. And something else happened.

Near the end of January, Marge brought over a gift for the baby, and mentioned that she wanted to give up smoking but hadn't been able to stop. "Perhaps Carl could help you," said Carmela. Yes, said Carl, perhaps he could, and he explained that his system would consist of hypnotic suggestion. On February 4, 1963, he went to the Farber home and gave Marge her first treatment—putting her in a hypnotic state and telling her that she would find it unpleasant to smoke again. He conducted a follow-up session the next day, and the treatment worked—Marge stopped smoking for two years.

But as one vice was cured, another developed. As Marge would tell it, she and Carl were in her bed together in a matter of days after the hypnotic session. As Carl would tell it, however, the affair didn't start until they went on a 10-day trip to Miami Beach in mid-March. The trip apparently was Carl's idea. In explaining it to Carmela, who had resumed her job after a maternity leave, he said that the New Jersey winter was bad for his health. But because of his heart condition, he was afraid to travel alone. Good neighbor Marge could go along as a sort of nurse.

Carmela not only approved the idea; she had Marge and her husband Bill come to dinner so they could all discuss it. Farber reacted dourly, but eventually he gave in. The trip was the first of several for the lovers.

Bill Farber died on July 30, 1963. Carmela signed the death certificate after examining the body, and listed a coronary thrombosis as the cause. Farber left Marge well provided for, and that fall she decided to sell the large house in Middletown and move somewhere else. Her decision triggered a trip she and Carl took to Sarasota, where she purchased a \$7,600 bayfront homesite on Longboat Key. Carl bought an adjoining lot as an investment.

In October 1964, Carl suffered another heart attack. When he recovered, he took Carmela to Florida and showed her the homesite. Accord-

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Carmela Coppolino, also a doctor, died suddenly in 1965, one week after she posed for this photo with her daughters Lisa, 2½, and Monica, 9. Her husband and the death certificate said she had suffered a heart attack, but police said otherwise.

Col. William Farber (below) and his wife Marjorie (right) were the Coppolinos' neighbors in New Jersey. Marge was also Carl's mistress. When the lovers planned a trip, Carl's wife approved but the Colonel reacted sourly. He was dead four months later.



Marge Farber was 18 years older than Carl, but didn't look it. In 1965, when the Coppolinos moved to Florida, Marge soon followed. In a matter of months, Carmela Coppolino died of a "heart attack" and Carl remarried. Then Marge claimed that Carl had killed the Colonel—and maybe Carmela, too. Carl's new bride hired F. Lee Bailey to defend him.

ing to Carl, she immediately became enthused about building a home and moving there. Back in Middletown, they put their split-level up for sale. In April 1965, they moved to a new home on Bowsprit Lane in Longboat Key, just off Sarasota in the Gulf of Mexico.

The move south was not without setbacks. Carmela failed to pass a test for obtaining a license to practice in Florida, and Carl lost about \$15,000 in two real estate ventures. He also found himself at loose ends; keeping himself occupied was a problem. He had always been good at cards, and in July, he decided to take duplicate bridge lessons. At his third lesson, he was matched with an attractive 38-year-old divorcee named Mary Gibson. Mary had two teen-age daughters, a moderate income and a new home in Sarasota.

As the weeks passed, Mary and Carl frequently played bridge together at the studio, and in August, Carmela invited Mary to dinner. According to Mary, Carmela said that since she didn't play bridge, she was glad Carl had found a partner. Carmela was not a jealous wife.

It was not exactly the worst of times for Carl. A good home, a pleasant bridge partner, and the Florida sunshine. And then on August 22, Marge Farber arrived in Sarasota with her two daughters to build a new home on the Bowsprit Lane plot near the Coppolinos. Carl was at the bridge studio when she drove up to the Coppolino home, where she and her children spent the night. By the next morning, said Carl, she was asking questions about his bridge lessons and Mary Gibson.

Marge arrived on a Sunday. The following Friday she spotted Carl and Mary talking in Mary's car near the studio after an afternoon lesson. Carl introduced the two women, and after a brief conversation, Marge left. When Carl got home, he learned that Marge had phoned Carmela to tell her about seeing him and Mary in a parked car. Carmela wasn't upset. But Carl was; he called Marge and told her he didn't like being spied on.

That evening Carl played bridge again. Mary brought one of her daughters to the studio, and after the lesson, Carl treated them to root beers at a nearby restaurant. He got home between 11 p.m. and midnight, and Carmela was still awake. She told him she'd been ill earlier in the evening; she'd experienced chest pains and nausea. But she was feeling better, she said, and suggested that they have a nightcap. Carl made a bourbon on the rocks for himself, and a black Russian for Carmela. After finishing the drinks, they went to sleep—Carmela in the master bedroom, and Carl in a guest room. About 5 a.m., Carl woke up and walked restlessly through the house. He looked into the bedroom where Carmela was sleeping, and as he would explain later, "I knew something was wrong. She didn't look natural." He hurried into the room and reached for her wrist. There was no pulse. Carmela was dead.

The death certificate was signed by Dr. Juliette Karow, who knew the Coppolinos. Carl had called her to the house. She listed a coronary occlusion as the cause of death. After talking to her, Sarasota County Medical Examiner Dr. Willard White ruled that there was no reason for him to

perform an autopsy. Carmela's body was embalmed that afternoon in a Sarasota funeral parlor. At her father's request, the body was shipped to Boonton, N.J., for burial. While it was still at the funeral parlor, Marge Farber came to pay her respects. "I'll bet that's the cheapest coffin in the place," she told the undertaker.

The morning of Carmela's death, Carl had asked Mary Gibson if she would look after his children. She picked them up and continued to care for them while Carl lived alone in his house on Bowsprit Lane. After a few weeks, Carl proposed. Mary thought about it for a couple of days, and then accepted. But she said that for the sake of both his children and hers, they should hold the ceremony as soon as possible. They were married on October 7.

Marge Farber was less than joyous. Two days after the wedding, she wrote to friends in New Jersey. About the wedding, she said: "Carl has been dead six weeks today so I am of the opinion this is much too soon. I feel that Carl is definitely in need of psychiatric help." She said Carl might have hypnotized Mary because "otherwise she couldn't have been conned into this so fast." Finally, she expressed misgivings about Carmela's death, saying that "it did not have to be." Referring to this feeling, she said, "I can't help it. I hope there will be some sort of answer to this."

Before October had ended, Marge was working up her own answers. She visited Dr. Karow and said she believed Carl had murdered Carmela by injecting a drug into her body. She said she knew about the drug because two years before, Carl had mesmerized her into trying to pump it into her husband, whom he had finished off by suffocation the following day. It was quite a story, and the next person Marge told it to was a priest. In November, she went a step further; she took her suspicions and her story to county law enforcement authorities. On December 6, she made a formal statement.

Nine days later, December 15, 1965, Carmela's body was exhumed so that an autopsy could be done.

On July 24, 1966, in Tucson, Ariz., I received a call from my friend Bill Bryan. Bill said he was calling on behalf of Carl Coppolino, who had lectured at one of Bill's hypnosis seminars. Coppolino had been arrested the day before on a New Jersey murder warrant. "I haven't known Carl for long," Bill said, "but I know him well enough to be convinced that he's no killer. I promised his wife you would help him."

He gave me Mary Coppolino's phone number in Sarasota, and told me she was waiting for my call. When I reached her she said her husband was suspected of killing a former neighbor in New Jersey, and that he was also under investigation in the death of his late wife in Florida.

"Well," I said, acting more flippant than I felt, "two murders per client is the limit."

The next day, Carl was indicted by the Sarasota grand jury, and the press was off on a picnic. Meanwhile, Carl had suffered a heart seizure the night of his arrest and was being kept in a hospital room under guard.

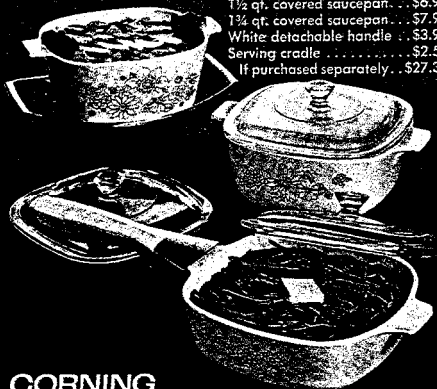
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(continued on page 165)

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Bradenton Airport, Andy Tuney, who now heads my Boston Investigative Service, and I were greeted by Mary Coppolino. That evening, we met Carl in the Sarasota County Jail. Dressed in white coveralls, he had a haggard look, but managed a broad smile when we shook hands. As we talked, he displayed a friendly, self-confident manner.

"This New Jersey thing is straight bull," Carl said. "I treated Bill Farber before he died, and he had a coronary. He refused to go to a hospital, and Marge wouldn't send him. I got disgusted and pulled out of the case, and I made her sign a written release. . . ."

"A release?" I asked. "If the Farbers were friends and neighbors, why did you get a release?"

"Because I thought Bill was in tough shape, and that Marge was just the type to hit me with a malpractice suit if he died. Besides, I wanted it to be clear that I only gave emergency treatment; I wasn't supposed to be practicing because of my disability insurance."

"Okay," I said. "We tell absolutely no one about the release. There's a bare possibility that Marge has forgotten about it. If she has, we may be able to cut her to pieces with it."

Two things happened to strengthen my growing belief that Carl Coppolino might be innocent. The first was Mary's response when I asked her about Marge Farber's charge.

"I'll tell you what I think," Mary said. "I think the man I've lived with for the better part of a year is no killer.

We've known for months that he was being investigated, and he's never given me the slightest sign that he was hiding anything. But I have no way of knowing he's not guilty. If you ever find out that he is, I want to be the first to know. Do you realize that I've adopted his little girls? What in the world could I tell them?"

"You smothered him"

The second indication of innocence came from Carl himself. I asked if he still felt that the New Jersey case was a minor worry. When he answered affirmatively, I gave him my information as starkly as possible. "I hear Marjorie Farber will testify that she held the colonel's arm while you injected him with succinylcholine chloride," I said. "When that didn't work, you smothered him with a pillow." I paused. "How do you like those apples?"

Just looking at Carl's face, I was satisfied that Marge Farber's story was absolutely false.

As we put the evidence together, I ran into trouble with the Florida prosecutor, Frank Schaub.

Before leaving Sarasota after my first visit, I paid a courtesy call on Schaub. I felt he was on shaky ground in holding Carl in Florida in the face of the New Jersey charge. My position was that Carl should be allowed to choose which trial to undergo first by exercising his constitutional right to a speedy trial in one jurisdiction and waiving it in another. I told this to Schaub, and asked how he felt about bail.

"I might not oppose bail," he said, "if I thought Coppolino would stay here until trial."

I said, "If I want Carl in New Jersey, I'll try to move him by court order. If I tell you he's going to stay here, he'll stay here."

"Good," he said. "We'll think it over, and when the judge gets back we'll set a date for a bail hearing."

We shook hands, and I figured that even if the game got rough, it would remain straight.

The next day, Andy and I flew back to Boston. When I got to my office, a message from Mary Coppolino was waiting. No sooner had I left Sarasota, she told me, than Frank Schaub had subpoenaed her to appear in his office for questioning. Schaub had not mentioned this during our conversation.

I immediately tracked down James H. Russ, an Orlando, Fla., attorney who had worked with me in the past. Jim agreed to help out. He made Schaub's life miserable. It took Schaub six months to serve a valid subpoena on Mary Coppolino.

Schaub eventually filed a written notice saying he would not oppose bail, and waived a hearing. But we had requested a preliminary hearing as to Carl's statutory rights.

A hearing would show me how Schaub planned to try to prove that Carl killed his wife with succinylcholine chloride. The hearing would also allow me to take a few whacks at Marge Farber and would give me a chance to evaluate the man who would star for the prosecution in both the New Jersey and the Florida trials—the very eminent Dr. Milton Helpen, New York City's chief medical examiner.

At the hearing Helpen said his office began its postmortem investigation

into Carmela's death on December 17, 1965, two days after the body had been exhumed from its grave in Boonton, N.J. He said the finding was "finally determined in June 1966," when he had concluded that the cause of death was succinylcholine chloride.

In response to subsequent questions, Helpen said he did not know the normal succinic acid level of a body that had been interred for four months, and that he did not know of any cases in which a person had been killed with succinylcholine chloride injections. He also could not tell what constituted a lethal dose of the drug nor how much succinic acid was found in Carmela's organs.

The hearing lasted two days. When it ended, Carl collapsed at the counsel table. He spent the night in a hospital, but was back in court the next evening, when bail was set at \$15,000. The following months, Florida Governor Hayden Burns ordered his extradition. Florida was no longer in a hurry to get Carl. It was New Jersey's turn.

The New Jersey trial

The New Jersey trial began December 5, 1966, in the Monmouth County Courthouse before Superior Court Judge Elvin R. Simmill. The opposition consisted of Vincent P. Keuper, the 64-year-old Monmouth County prosecutor.

My aides for the trial included Joseph Mattice, a veteran Monmouth County attorney, and Joe Affitto, a young Boston Law School graduate who had just started practicing in Wayne, N.J.

When we made our (continued)

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F. LEE BAILEY *continued*

opening statements, Keuper asked for a verdict of first-degree murder, with no recommendation for mercy.

My statement lasted just seven minutes. I described the story of the killing that had just been outlined as a "cruel" hoax. "William Farber was not murdered," I said, "and therefore Carl Coppolino could not have done it. The hoax was created by a 52-year-old woman who was cast aside and initiated a plot to destroy Coppolino." I characterized Marge Farber as dripping with venom, and I closed with the words, "She wants this man so badly that she would sit on his lap in the electric chair while somebody pulled the switch, just to make sure he dies. This is not a murder case at all. This is monumental and shameful proof that hell hath no fury like a woman scorned."

As I finished, I gestured toward Marge. I walked back to the defense table, and Vincent Keuper called his first witness.

"I call Mrs. Marjorie Farber," he said.

I listened closely as Vincent Keuper started his direct examination of the woman whose story I would have to demolish.

Marjorie Cullen Farber's late husband Bill was the son of a prominent Presbyterian clergyman and the nephew of a Navy admiral. Marge was the daughter of a newspaper cartoonist. Bill, who was three years older, was her second husband; they had two daughters, and his Army career had taken them to posts in Europe and Japan. During the Army years, Marge

had a reputation as an enthusiastic party-goer and giver. Then there was friendship and infidelity with Carl, 18 years her junior. Now she was on the stand doing her damndest to get Carl executed.

Keuper led her through her first meetings with the Coppolinos in the fall of 1962, and got to the hypnotic

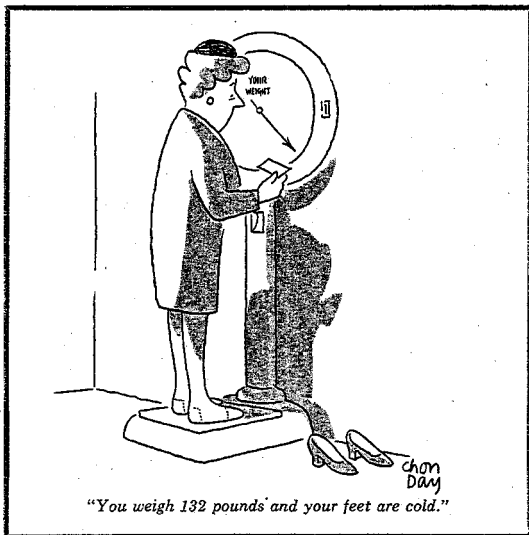
session at her home in February 1963, when Carl helped her break the cigarette habit. As she described various suggestions he gave her—such as imagining that a balloon was tied to her wrist—she acted as if she were trying to put herself in a trance, and I leaned forward and snapped my fingers several times. The effect was not lost on the

jury, or for that matter, on Keuper. "If Your Honor please," he said, "I object to Mr. Bailey snapping his fingers while the witness is reciting her testimony."

I responded with my objection. "May the witness be instructed to keep her eyes open instead of putting on a show."

Marge said Carl told her "over and over and over again" that she didn't want to smoke because it was a nasty habit and she would feel better when she stopped. Finally, he told her she would wake up at the count of three, and he counted to three and she came out of the trance. She said she never had a desire to smoke again. The next day, Tuesday, there was a follow-up session, and then on Wednesday, she was shopping at the Fort Monmouth commissary when, she said, she got a strange yen: "This Wednesday I did my shopping, and I had this terrific, overwhelming feeling that I just had to see this Carl. And when I drove past his house, he was sitting out there in the driveway in a folding chair, and I got out of the car, and my whole feeling was of this tremendous, overwhelming—I couldn't understand it, but that is the way I felt. I just had to be with this man. He got me a chair and I sat next to him, and I had to touch him."

The touching was confined to hand-holding, but the next day in her home, said Marge, they went a bit further. "I told him I had a very strong feeling that I wanted to be close to him, and he just sat there and kept saying 'Yes, yes' to me. And the next thing I knew we were in each other's arms embracing, kissing each other."



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But because of her solicitude for Carl's heart condition, she said, they didn't go to bed. They saved that for the following day, Friday, February 8, and according to Marge, "I saw him constantly from that time on." It was a daytime affair; she said their intimacies took place in her home while her daughters were at school and her husband at work.

Now Keuper got to the jaunt Marge and Carl took to Miami Beach.

During the trip, she said, Carl worked out "a love plan. He had written down things that I was supposed to do when I got home." Asked what things, she said, "That my husband and I should not sleep in the same bedroom. That we should live as brother and sister and that I should try to get an annulment or a divorce." A month after she got home, she was able to implement the separate bedroom plan.

In June, said Marge, Carl told her about a drug "that was not traceable, that caused instantaneous death" and suggested she use it to get rid of her dog, who was fighting with other dogs in the neighborhood. But then he got the drug from a friend, Dr. Edmund Webb, and started talking about Farber. "That man has got to go," she quoted him as saying.

"What was your reaction?" asked Keuper.

"Well," said Marge, "I was very upset and shocked by this suggestion of Carl's. I told him he must have been crazy or out of his mind to even think of such a thing. . . . Carl set a date. He said, 'The first of July, he's got to go.' I said, 'No,' and it continued over and over."

Then Keuper took her through the events that began on Saturday, July 27—the events she claimed led to her husband's murder.

Just couldn't do it

She said Carl had given her the drug—whose name she couldn't pronounce—in a vial with a screw top. He gave it to her in an envelope that also contained a disposable syringe or hypodermic needle. That Saturday, she mixed the drug in water according to his instructions. But then she dumped its contents. "I just couldn't do this thing," she said.

She testified that she saw Carl the next day, when they went to an afternoon movie. The following night, Monday, July 29, she tried again. She said she mixed the solution and filled the syringe. After pacing back and forth, she went into her husband's bedroom. "He was lying on his side. His legs were exposed and I bent over him with this syringe in my hand and I started to push the plunger down and I couldn't—I just couldn't. Then my husband jumped up and he said he had a charley horse. He jumped up and I helped him into the bedroom and he was ill. He fell on the floor. I tried to help him and I couldn't lift him. . . . so I called up Carl to 'Come up, please help Bill.'"

When Carl arrived with his medical bag, Bill was back in bed. Carl injected the colonel with a sedative he said would make him sleep. Then, testified Marge, Carl asked her to get a plastic bag. "Well, I got the plastic bag. It happened to be one of the dry-cleaner type things and I gave it to him and he put it over Bill's head and started to suffocate Bill and Bill was nauseated and I

told him to stop it, leave him alone, and he did. I wanted to change the pillowcase because it was soiled and he said all right. I could do that but not to wash the pillowcase. Then we left Bill. He was resting and I guess we went into . . . the TV room." When Carl left, she said, it was 5 or 6 in the morning.

On Tuesday, July 30, Marge said, Carl came to her home around noon or 1 P.M. and said he was going to give Bill another sedative.

"Did he call it a sedative?" Keuper asked.

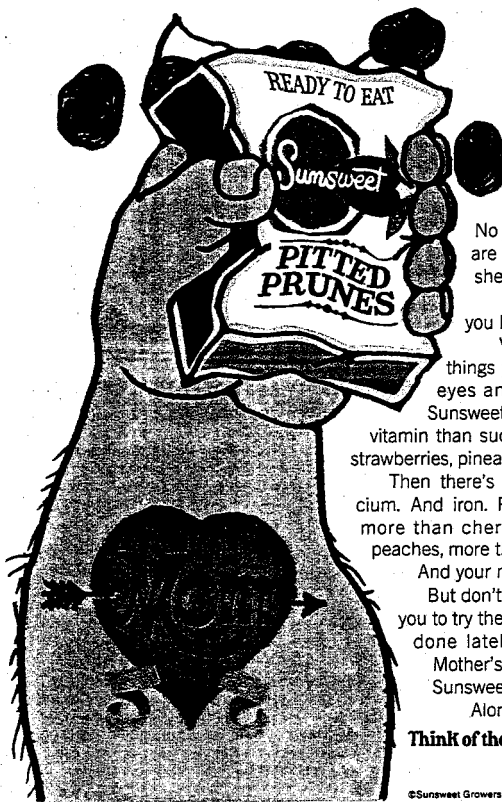
"I don't know what he called it," Marge said, "but he gave him an injection of some sort to make Bill relax, and the sedative was taking effect on Bill, and Bill and Carl got into a discussion. And Bill was quite groggy and he said something to the effect that he wanted Carl to leave him alone, and get out of here, and that is when Carl picked up the pillowcase that he had

told me not to wash during the night, and he showed it to Bill, and he said, 'You ungrateful bastard, I saved your life last night,' and then he threw the pillowcase at me and I went out of the room and I went into the laundry room." She heard angry voices, she said, and then Carl joined her in the TV room.

"He said, 'That bastard's got to go. . . . He has threatened me and my family.'"

(continued)

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then 15, had discovered the body but "she wasn't aware of what the situation was." She told Marge that "Daddy looks funny," and Marge diverted her attention. This was at 5 P.M. Marge waited until 6:30, when she was supposed to call Carmela. My next question was obvious:

"How long did you have to sit around with this cadaver before you made the phone call?"

"I went upstairs with my daughter Victoria and cooked her dinner."

"With a dead body lying in the bedroom, you cooked dinner?"

Marge didn't help herself. "I cooked her a hamburger," she said.

It was getting close to lunch time, and I switched to another track—conflict between Marge's testimony and statements she had given to Florida authorities. In December 1965, for example, she had told Schaub that she had agreed to kill her husband because she didn't want Carl to bear the responsibility for the deed. This jarred against her testimony that she didn't want any part of the killing.

"I want you to tell this jury whether you adopt the statement that you made earlier today that you wanted nothing to do with this," I said, "or whether you would like to adopt the statement you made to Mr. Schaub a year ago that you intended to do it and assume the responsibility. Which of these statements is true?"

"Both of them."

A few questions later, she was grabbing for her crutch. "I was not under my own free will," she was saying. I turned to the judge and suggested we adjourn for lunch.

After we resumed, I touched on the dream-like aspects of her testimony. She said it was only after Carl's supposed trance wore off that she realized she'd been involved in a killing.

Didn't want to fall into spell

I asked a few questions about her "trancelike state," and she conceded that while it endured, she was able to drive a car and visit friends. I asked if her friends noticed that she was in a trance, and all she could come up with was that "my attitude was different." She conceded that she didn't want to fall back into Carl's spell, and I asked why, then, had she moved to Florida in 1965. She said it was because she had bought property there and wanted to live on it.

"Did you make any effort to exchange the property you had bought for some property that wouldn't be right next door to the man who made you a killer?" I asked.

"No, I didn't," she said. When I asked her why she hadn't been afraid that Carl would put her back under trance, she said she no longer loved Carl when she came to Sarasota, but looked upon him as a friend. She only became angry with him, she said, when he failed to view Carmela's body in the funeral parlor.

"You were angry about that, so you went to see her?" I asked.

"I went to see her because I loved the girl," Marge answered, giving me another opening.

"Did you love her back when you were running around with Carl?"

"I loved her like a sister," Marge said.

Next, I explored the reasons for her telling her story to Florida authorities.



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Yes, we know.

If you're a kid, you just said "Wow!" If you're a mama, you said "What!"

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Even though it's instant (you just add boiling water to the bowl).

Even though the kids are wild about the taste.

Wow! Is right, mama.



"Nothing is better for thee than me!"

Why, I asked, had she told Dr. Karow her tale of the colonel's death.

"Because Carl had killed my husband, and I was convinced he had killed his wife," she said.

A short while later, I took a chance with another "why" question. "Now Mrs. Farber," I said, "will you explain to the jury why you have come, not knowing what the consequences are that may await you, to testify against Carl Coppolino?"

"Because," she said, "based on my suspicions about Carmela's death and the knowledge of my own husband's death, I felt that this man might kill his present wife, and I wanted to stop him."

It was wild. "So, you are here today to protect the present Mary Coppolino?" I asked.

"Maybe myself," she said. "I don't know."

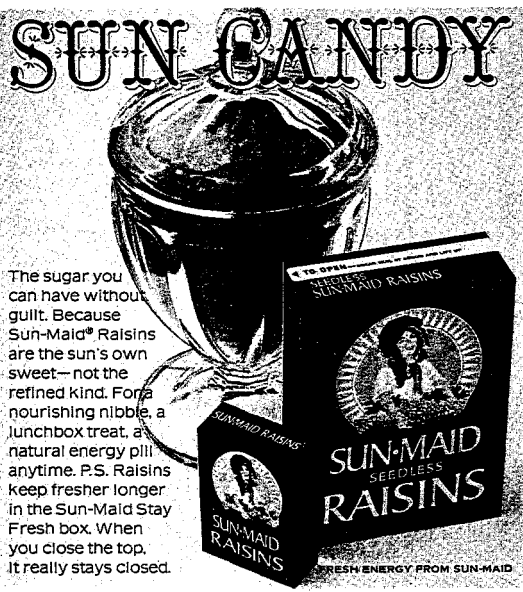
"Carl never made any move against

you even after he found out you were making these accusations, did he?"

"No."

At 3 P.M., I asked the judge if it would be appropriate to recess for a while.

I had saved what might be my two best shots for last. When we resumed, I got to the first by establishing that Marge had been born a Roman Catholic but, as a divorcee, had left the faith when she married Farber (continued)



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Jewel Salad

Drain 1 can each (1 lb 14 oz) apricot halves, (1 lb 4 oz) pineapple. Chop fruit. Add water to juices to make 3 cups; simmer with ½ cup Heinz Apple Cider Vinegar, 2 cinnamon sticks, 2 tsp whole cloves, 5 mins. Strain; pour over 6 oz package lemon-flavored gelatin. Chill until slightly thickened; add fruit. Pour into 1½-qt mold. Chill until firm. Makes 10-12 servings.



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F. LEE BAILEY continued

who was not Catholic. In response to questions, she said that after the colonel's death, she and Carl discussed the advisability of her returning to the Church. In the spring of 1964, Carl drove her to St. Francis of Assisi in New York, where she went to confession.

"Did you do anything about making Carl the godfather of your children?" I asked.

"Yes," she said.

"At the time you asked Carl to become the godfather of your children and he accepted, did you still remember the killing of your husband by Carl Coppolino?"

"I have never forgotten how my husband died," she answered.

Even though she claimed to have seen him murder her husband, she had picked Carl Coppolino as her children's godfather. No more needed to be said, and I got ready to fire my other good shot. But first I had to close the loopholes.

"When he left the house a little after noontime on the thirtieth day of July, 1963," I asked, "didn't Carl say to you and your husband, 'I'm backing out of this if you won't go to a hospital and you reject my advice?'"

"No, he didn't say anything like that at all."

"Was anything on that entire day, before or after the colonel's death, in any conversation with you and Carl, mentioned about his refusing to treat the colonel because the colonel wouldn't go to the hospital?"

"No."

I had her. The gamble had paid off: Marge had forgotten about the release. I walked over to the defense table, and picked up a sheet of lined yellow paper. Slowly, I showed it to Marge. "Is that your signature, Mrs. Farber?" I asked.

"Yes," she said, "that's my signature." Then, she looked around, acting

bewildered. "But I have never seen that piece of paper before."

"Did you sign —" I started, and she broke in saying, "It's Carl's handwriting on it."

"Did you sign a paper on the thirtieth day of July 1963 at 1 P.M. with the following: 'I hereby release Carl A. Coppolino, M.D., from all responsibility for the care of my husband, William Farber. Dr. Coppolino wishes to be released because Mr. Farber refuses to be hospitalized even though he may have had a coronary. Dr. Coppolino only gave emergency care. Signed, Marjorie C. Farber.' Do you remember that now?"

"No, sir," she said. "I do not remember signing that. That is my signature, yes, but I do not recall."

"Are you satisfied beyond any doubt that this is your signature?"

"I said it was my signature."

Marge's cross-examination had taken up almost two hours and 50 minutes. The judge recessed court until Monday, when Marge spent another hour on the stand.

Said she was shocked

I gave her a pillow and had her demonstrate the alleged smothering on a table. I also diagrammed her version on a chalkboard to show how difficult the act would have been. I ended the cross-examination by asking about statements she had made to reporters in the wake of Carl's indictment. I asked whether she had told one newsman that she was "shocked" to find out Farber was murdered.

"I was shocked to find out he was strangled," she said.

Then I mentioned a phone conversation she had with another reporter. In the course of it, had she said, "Wouldn't it be funny if somebody dreamed this whole thing up?"

"Yes," she said, "because I was —"

"That is all," I said, turning to Keuper. "Your witness."

In his redirect, Keuper (continued)



Simonson—

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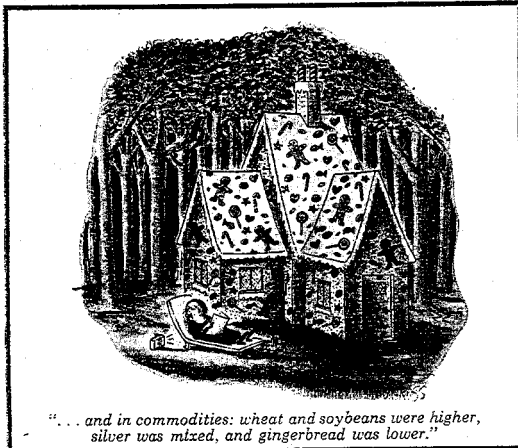
F. LEE BAILEY *continued*

asked about circumstances involving Carmela's death. Marge said Carl visited her a week after Carmela died, and asked her if she would like to be his housekeeper. She refused. Keuper also asked whether Carl had ever threatened her after Farber's death, and she said: "Well, he told me that if I ever did anything about reporting my husband's death that, first, nobody would believe me; and secondly, and even more important to me, was that

he would have me declared insane and institutionalized."

Keuper called six more witnesses, but only the sixth was important in the prosecution's case. The first five were finished by the time the morning session was over. They included Carl's friend, Dr. Edmund Webb, who said that in the spring of 1963 he brought Carl a vial of a powdered, commercial form of succinylcholine chloride.

The sixth witness was Dr. Milton Helpern, whose role was to give medical backing to Marge Farber's macabre



"... and in commodities: wheat and soybeans were higher, silver was mixed, and gingerbread was lower."

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tale, the state's contention being that Carl had pressed so hard on the pillow that instead of smothering the colonel, he strangled him by cracking the cricoid cartilage that circles the larynx. Helpern was to rule out a heart attack as the cause of death.

"In my opinion," said Helpern, "death resulted from the compression of the neck as indicated by this double fracture of the cricoid cartilage."

"And your opinion," Keuper asked, "is that that act upon the part of the defendant could have caused that condition which resulted in his death?"

"Yes."

Then Helpern was mine. Within minutes, I touched on the exhumation of Farber's body. Under questioning, Helpern said that when the body was brought to him in a tarpaulin, the scalp was missing.

"All right," I said. "Did you talk personally with any of the people that exhumed that body to find out how it was accomplished?"

"Not directly, no."

"Somebody gave you information that the coffin was caved in?"

"I was told by the man who brought the body to our place and identified the body that the sides of the coffin and the outer box were supposed to have collapsed."

In a subsequent series of questions, I got him to concede that the cricoid cartilage can be fractured after death. Then I put this question: "Now, after the time you discovered this cartilage, and prior to the time you formed an opinion, did you make any effort to get any of the details of the exhumation? Just yes or no."

He said yes.

"Did you question any of the grave-diggers?"

"I did not."

I switched to questions about whether any postmortem signs of strangulation, such as bruised skin, were visible on Farber's throat. Helpern said he'd been told there were no such marks. I asked if he had checked for bruises, and he said, "Well, I didn't make a specific check."

"Isn't it fair to say," I asked, "that there is no way through that pillow to concentrate pressure sufficient to break the cartilage?"

Helpern said it would be easier without the pillow, but that it could be done.

No signs of hemorrhage?

Later I started a key series of questions: "Now, if you were to exert pressure on my cricoid cartilage right now, and push in hard enough to break it, what would you expect to happen to the tissue inside? It would hemorrhage, wouldn't it?"

His answer boiled down to yes.

I then established that we were talking about an injury inflicted during life.

"Now, in attempting to determine for yourself whether or not the injury with which we are concerned to this larynx occurred before or after the death of Colonel Farber, did you examine the tissue for hemorrhage?"

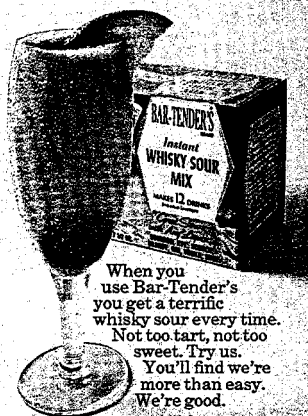
"I examined the tissue for that very carefully," he said, "but the state of the tissue precluded any observation of hemorrhage. The fact that I couldn't find it after three years of death would

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not permit me to conclude it wasn't there."

My last question was, "Is it fair to say, doctor, that apart from this larynx, just assuming you found no differences, that you would be unable to give us a cause of death at this time apart from that?"

"If I didn't have the larynx in this case," said Dr. Helsen, "I would have to say I did not know what this man died of."

At which point, the doctor left the stand. "If Your Honor please," said Vincent Keuper, "the state rests."

I dried off exhibit S-15 and handed it to the first witness for the defense. The exhibit was William Farber's larynx. The witness was Dr. Joseph W. Spelman, chief medical examiner for the city of Philadelphia.

"From your examination of that larynx alone," I asked, "do you have an opinion as to whether or not that fracture occurred prior to or subsequent to the death of the person whose larynx that was?"

Dr. Spelman answered, "In my opinion, that fracture is undoubtedly post-mortem." He elaborated by saying that hemorrhage invariably accompanies fractures of the larynx. "There is no vestige of remaining hemorrhage," he said.

Next on the stand was Dr. Edmund Webb, who described the container for the succinylcholine chloride he'd given Carl in 1963. He said it was designed for use with an infusion bottle, the type from which medication drips into the patient's vein. It was not meant for injection with a hypodermic, but could be adapted for such use. His

testimony did not match Marge's description of the vial she said Carl had given her.

My third witness was Dr. Richard Ford, senior medical examiner for Suffolk County, Massachusetts, which includes Boston. His opinion differed from Helsen's in that he felt there "was sufficient atherosclerosis in Colonel Farber's coronary arteries to account for his death."

I also asked if he thought pressing down on a pillow with the heel of the hand could cause a double fracture of the cricoid cartilage. "It is unlikely," he said.

Testimony neutralized

When Dr. Ford finished, I felt Helsen's testimony had been neutralized. I also called Carl's mother, Mrs. Anna Coppolino. She made a good witness. She told of sitting in the shade at her son's home the Sunday before Farber's death. Up the street, the colonel was mowing his lawn. Asked how long she saw him work, she said, "Oh, about two or three hours, and it was a very hot day."

Mrs. Coppolino also testified that at Longboat Key after Carmela's death, Marge had told her several times that she wanted to marry Carl. She said that on one such occasion, "I told her she was crazy, that she was old enough to be his mother. And I also said, 'Ten years from now you'd be his grandmother.'"

My next-to-last witness was Leo Clark Foster, a funeral director who had supervised the exhumation of Farber's body at Arlington Cemetery.

In describing the exhumation, he

said there was water in the outer box that held the casket, and that the lid of the casket had to be removed in pieces. The workmen didn't want to touch the body, and Foster had to remove the satin lining covering the face and upper torso. Then the workers found that it was impossible to lift the body out.

The next day, the men dug a second grave alongside Farber's, but about six inches deeper. The side of the casket was broken up and removed, and a disaster pouch was spread in the second grave. The diggers were told to pull the body into the disaster pouch, but they still didn't want to handle it. Instead, they used L-shaped hooks, attaching one to Farber's right shoulder and another between his hip and knee. The idea was to slide the body into the pouch, but it wasn't that easy. "The bottom of the casket had, of course, bedded in it," said Foster, "and when he was pulled, he turned over from his left to his right and landed on his face. . . ." Then the pouch was zipped up, put in a metal container and taken to New York, where the body was delivered face down.

On cross-examination, Keuper showed a signed statement in which Foster had made no mention of the body "landing" on its face. Foster said he meant that "he turned over from his back, face down." He also said he never saw any part of the casket fall on the upper body.

On redirect, I established that the casket lid was intact when Foster arrived, but had to be broken up for removal. He agreed that shovels were used for the job.

"Shovels jammed right down into the top of the casket?"

He hedged a bit, and then said: "Shovels were used, but I know they weren't jammed."

"Did you watch them being used?"

"No, sir."

"Then how do you know they weren't jammed?"

"I don't know," he said.

Keuper and I batted Foster back and forth for about half an hour. At the end, I felt his testimony had been effective. It seemed obvious that only a minor miracle could have kept the body from being damaged during the exhumation.

I called my last witness—Dr. Carl Coppolino.

Carl was excellent on the stand. First, I had him describe the hypnotic session at which he cured Marge of her craving for cigarettes, and then we discussed the weekend when Bill Farber died.

Agitated voice

Early on the morning of July 30, 1963, said Carl, he was awakened by a phone call from Marge. "In an agitated voice, she told me that her husband, Bill, was ill, and could I rush right over." When he arrived, Carl found the colonel seated on the toilet with the lid down. Farber told him that he felt very weak, and could hardly move or breathe. Carl said he and Marge got the colonel back in bed, and he took Farber's pulse and found it quite irregular. He said Farber was still gasping and holding his chest.

Carl went home for his medical bag and rushed back to the (continued)

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F. LEE BAILEY *continued*

Farber house. He took the colonel's blood pressure, which was low, and listened to his heart with a stethoscope. "The sounds were muffled," he said.

I took him through his treatment of Farber step by step. First, he said, he gave the colonel Demarol. Then he gave him an intravenous injection of Pronestyl, a substance that decreases the irritability of the heart. Finally, he also administered Nembutal, a barbiturate that induces relaxation and

drowsiness. After about an hour, he said, Farber's pulse became regular and he was able to talk.

"What was said?" I asked.
"Well," said Carl, "the first thing he wanted to know was was he going to die, which I avoided answering. And I was administering to him but he kept persisting. 'Now Carl, tell me,' he says, 'am I seriously ill? Am I going to die?' I said, 'No, Bill, I say, 'you're not going to die... but you're ill,' and I said, I told him at that time, I said, 'I feel that you need better

care than what I'm giving you at this particular time and I suggest that we immediately call for an ambulance, the Red Bank Volunteer Service, and take you to Fort Monmouth.'"

He said Farber didn't respond right away. I asked if Marge said anything. "She said no immediately," said Carl, "but he didn't answer me right away because when she said no he went into quite a long harangue with Mrs. Farber that was not complimentary to her."

Carl said he cut the argument short, and told Farber he had to go to the hospital. But the colonel said, "No, I'm not going to the hospital. I don't want to go to the hospital." A few minutes later, Farber vomited and began choking. Carl cleaned out the vomit and administered Sparine, a drug that acts as a tranquilizer and prevents vomiting and nausea. Again, Carl asked Farber to go to a hospital, but both the colonel and Marge said no.

Pulse was irregular

At this point, said Carl, it was about 6 A.M., and he left the Farber home. He promised to come back in a few hours. He said the colonel seemed better, "but certainly not well." He returned between 10 and 10:30, and found the Farbers arguing. Carl said he begged them to stop, and gave the colonel another examination. Farber's color was better and he had stopped perspiring, but his blood pressure was still a little low and his pulse was irregular. The colonel still refused to go to a hospital.

He said he stayed at the Farber house for about two hours this time.

I asked him if he said anything to Marge and Bill about his continued assistance as a doctor.

"I told Bill and I told Marge, who was there all the time with me, that I could no longer render any aid whatever to Colonel Farber, because both of them refused to get what I considered proper medical attention for this patient, and that, under the conditions, I was going to withdraw from the case, and that I wanted Mrs. Farber to sign a release removing me from any responsibility for this case whatsoever. And I told Bill Farber the same thing."

He said Marge returned to his house with him, and stayed there for about an hour and a half. He wrote up notes on the treatment he'd given Farber, and he also wrote the release and had Marge sign it.

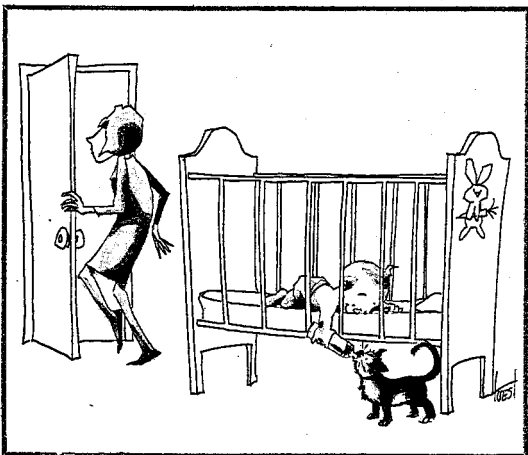
"Did she put up any fight about signing?" I asked.

"No," he said.

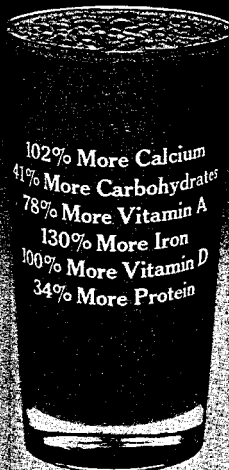
Carl testified that Marge left sometime between 2 and 3 P.M. At about 6:30, she called Carmela. Carl said he didn't leave his home again until after Carmela found the colonel dead and phoned him from the Farber house. He said that when he looked at the body, he estimated that Farber had been dead for three to five hours.

I knew Keuper would bring up the death certificate, and I saw no sense in shying away from it. The best approach was a direct one. First, I had Carl testify that Carmela had signed the report, and that he had been present when it was filled out.

"Now," I said, "I notice that it says here above the signature: 'I attended the deceased from 3:30 A.M. to 6 P.M."



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Last saw him alive at 1:30 P.M., above date. Death occurred approximately 4 P.M. on the date above from the best of my knowledge from the cause as stated. Did Carmela attend Colonel Farber from 3:30 to 6?"

"No."

"Did Carmela attend at 1:30?"

"No."

Where did she get the information to put in there?"

"From Mrs. Farber and myself."

"Prior to the time that she put her signature on this death certificate, had you given her whatever history and diagnosis you had in the case?"

"I told her when I got home at 6 in the morning. That was part of the conversation we had."

Never lost his poise

After a short recess, Keuper started his cross-examination. It lasted 50 minutes, and Carl held up well. His answers were frank and to the point, and he never lost his poise. For instance, there was an exchange that occurred when he admitted the affair with Marge Farber, but said they didn't become intimate until the trip to Miami Beach.

"During the months of February or March 1962, you were not intimate with her?" Keuper asked.

"No."

He denied that there had ever been a "love plan" or that he had said anything about Farber having to die. He said he had discussed succinylcholine chloride with Marge only as a means of doing away with her dog. As it turned out, he said, he never gave her either the drug or a syringe.

Asked if he had continued his "intimate relations" with Marge after Farber's death, Carl said, "On and off for about a year."

"When those relations were severed you were still living in New Jersey?"

"Yes."

"Did Carmela know that you were intimate with Mrs. Farber?"

"Not to my knowledge, no," Carl answered.

"Did she know you had been out on many occasions with Mrs. Farber?"

"Oh, yes."

"Never objected to that?"

"Never."

"Never objected to your being out with Mary Gibson?"

"Never."

I objected to any further questioning along that line, and the judge sustained me. On redirect, I offered in evidence notes Carl had made on the morning and afternoon of July 30 concerning his treatment of Bill Farber. Keuper then asked if such complete notes represented accepted procedure for physicians.

Carl answered affirmatively. "Especially if they think another attending doctor would be called in and would want the information."

The jurors went out at 11:53 A.M. on December 14. They were back in four hours and 34 minutes. Asked for the verdict, the foreman stood and said: "We the jury find the defendant Carl Coppolino not guilty."

When court adjourned, Anna Coppolino ran to her son. Carl was crying, "Momma," he said, "I didn't do it." Then he hugged Mary. "I never did anything," he told her.

Later, I was greeted by autograph seekers in the hotel bar. I subsequently discovered that I had signed a slip of

A natural, all by itself chilled.

Natural pack pineapple.

No sugar added - just the best part of the fruit in its own juice.

paper saying, "I promise to buy my wife, Wicki, a mink coat for Christmas, 1966." Needless to say, I am a man who honors my commitments.

The case ended in time for a happy holiday. But Florida was yet to come.

When the second trial opened, it was, as far as I was concerned, neither the right time nor the right place. I had wanted a change of venue to a much larger city than Sarasota. Along

with asking for Miami as a trial site, I told Judge Silvertooth that I had left the month of March open for the Coppolino case and had postponed other matters to April. But a few days later, he set the trial for April 3, 1967, in Naples, Florida.

As the trial got underway, the jury was soaked with a mass of medical testimony from my old friend Dr. Milton Helpert and his toxicologist Dr. C. Joseph Umberger.

Basically, Helpert and Umberger had tried to recoup from the preliminary hearing by experimenting with succinic acid, while the experts I contacted had concentrated on choline.

The core of Umberger's testimony was that he found four and a half milligrams of succinic acid in one kilogram of Carmela's brain, and that his experiments enabled him to conclude that this represented 12 milligrams originally existing in the (continued)

F. LEE BAILEY *continued*

sample, and about 18 milligrams in her entire brain.

"The only assurance you are able to give this court and jury," I asked, "is that you found a projected value of eighteen milligrams in the brain, the embalmed brain, of Carmela Coppolino, right?"

"That's exactly it," Umberger said. In his direct testimony, Dr. Helpern

provided the prosecution with a cause of death. He said that based on his autopsy and Umberger's findings, it was his opinion that Carmela had died of an injection of succinylcholine chloride into her left buttock. During cross-examination, I got around to the various versions of Umberger's report that had come up at the preliminary hearing. When I cited the chemist's statement that it was "possible" that the succinic acid and choline found in Car-

mela's body were derived from succinylcholine, Helpern showed how to turn an ordinary word into babel. In this case, the word was "possibility."

"He put down this as a possibility," Helpern testified. "That was not a speculative possibility, that was an exclusive possibility, and that was chemist talk. And then he indicated that the only explanation for this combination was succinylcholine."

I asked if Helpern knew how much

choline Umberger found, and he said, "I don't have a figure for it."

"Is the amount of choline of any significance in helping you toward your opinion?"

"No," he said. Helpern was trying to negate the intensive research on choline that had been done by defense experts. As far as I was concerned, it was a morass of conjecture. After Helpern left the stand, I moved that his and Umberger's testimony be stricken.

Damaging testimony

Judge Silvertooth rejected my motion the following day. Meanwhile, the state produced a witness whose testimony was inconclusive but nevertheless damaging. He was Dr. Bert La Du, Jr., chairman of the pharmacology department at New York University Medical Center. La Du had analyzed a tissue sample from Carmela's buttock. He said that along the needle track area he found "material that had the same properties as succinylmonocholine in amounts that would correspond to about 30 gammas per gram of tissue." It's pertinent that a gamma is one-millionth of a gram, and that he did not say that what he found was succinylmonocholine but only that it "had the same properties." He said he was unable to obtain enough material to make a definite test.

Our roster of experts was headed by Dr. Francis Ferenc Foldes, chief of anesthesiology at New York's Montefiore Hospital, and Dr. John Crispin Smith, a research biochemist at the same place. Both men were also affiliated with the Albert Einstein College of Medicine. Both had done pioneer work in finding out what happens to succinylcholine chloride when it enters the body.

Smith testified about experiments demonstrating that embalming fluid has a significant effect in freeing bound choline in the brain. Asked whether he thought the free choline found in Carmela's brain could have come from a succinylcholine chloride injection, he said, "It could not."

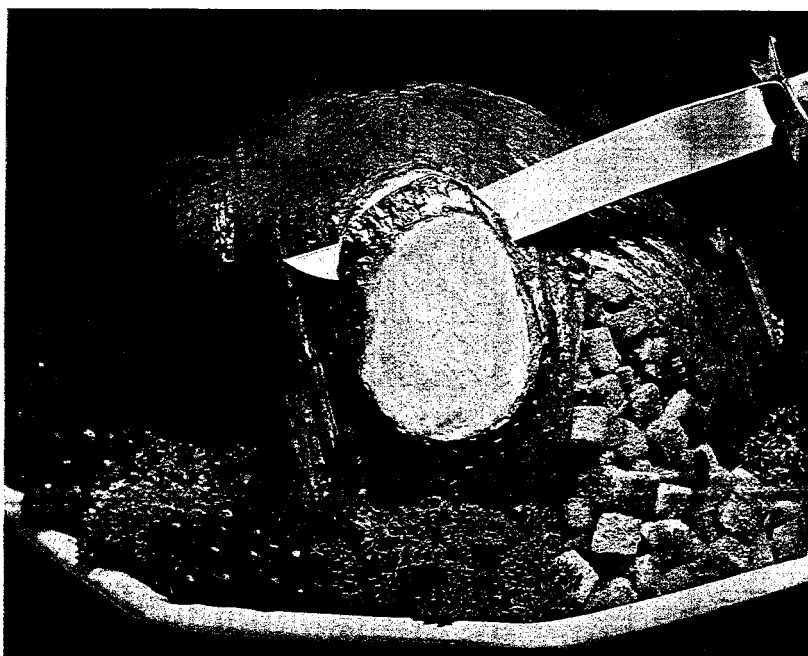
Dr. Foldes supported Smith's testimony.

I also called Dr. Richard Ford, a Massachusetts expert, who discounted the validity of Dr. La Du's tests as any indication of the cause of death.

Later in the trial, as a result of information I'd gotten from some concerned members of Umberger's staff, I recalled the toxicologist. He conceded that he probably didn't come up with his finding of 4½ milligrams of succinic acid in Carmela's brain until 1967. As I told the jury in my summation, the evidence against Carl didn't exist when he was indicted back in July, 1966. "Searching for truth is one thing," I said, "but searching for evidence to support an indictment already voted is another."

I also asked Umberger if he expected to publish a report on the tests that enabled him to come up with his finding, and I felt that his answer ran up a lot of points for us. "No," he said, "I don't think it would be accepted for publication. It is not complete enough." If his evidence wasn't good enough for a scientific report, what made it good enough for a murder conviction?

The nonmedical witnesses included two of the women in Carl Coppolino's life, both of whom were called by the



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prosecution. They were Marjorie Farber and Mary Gibson Coppolino. This time, Marge's role was limited; early in the proceedings I had won a fight to exclude matters involved in the New Jersey trial.

Consequently, Marge was deprived of her hypnosis routine. Over my objection, she was allowed to testify that she and Carl had been lovers, and she told of their trips. She testified about seeing Carl and Mary together in Mary's car the day before Carmela's death. The woman scorned was revealed when Marge told Schaub about her first assessment of Mary. She said she sized her up as "just so-so." This gave rise to a running gag; when Carl and Mary showed up for breakfast at our motel, I'd say, "Here comes So-So Coppolino."

Marge told another story that only Carl—if he took the stand—could overturn. She said that after Carmela's death, she and Carl had a conversation in which he told her of leaving home for three days early in August to think about his marriage. Marge claimed that Carl said that when he returned home he told Carmela he didn't love her any more.

On cross-examination, I tried to show Marge's vindictiveness. For one thing, she admitted that she had tried to block Carl from obtaining a license to practice in Florida. For another, she admitted that she had conspired with a state investigator in an unsuccessful attempt to somehow trip up Carl with a bugged phone call.

Mary was called as a hostile witness for the prosecution. In answer to Schaub's questions, she told of meeting Carl at the bridge studio in July. She didn't remember how many times she had seen him the following month, or how many times he had been at her home. At the time of their marriage, she said, her income was between \$600 and \$800 a month. I had just one question for her. "From the time you met Carl in July until August 28, did he ever make inquiry into your financial status?"

"No," Mary said. Carmela's father, Dr. Musetto, also testified. He said that on the day of Carmela's death, Carl lied to him about an autopsy. He said Carl told him that an autopsy was performed and that it disclosed Carmela had a bad heart condition. On cross-examination, however, he conceded that he remained friendly with Carl after learning there had not been an autopsy. He even wrote Carl a letter in which he gave him the names of two women who might make good second wives.

Premarital hanky-panky

Schaub called a couple of students from the bridge studio and neighbors of Carl and Mary in an attempt to show there was some sort of premarital hanky-panky going on. One such witness was Mary's next-door neighbor. Her testimony included the statement that Carl moved into Mary's house the weekend before they were married. My answer to that was to call the witness' husband. "Did you see Carl Coppolino around Mary Gibson's house prior to their marriage?" I asked. "I did not," he said.

The defense witnesses also included Dr. Webb, who demonstrated his belief in Carl, and Carl's mother, who told of

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Old-Fashioned Pumpkin Pie

2 eggs, slightly beaten
1 1/2 cups pumpkin
1/2 cup sugar
1/2 teaspoon salt
1/2 teaspoon cinnamon
1/2 teaspoon ginger
1/2 teaspoon cloves
1/2 teaspoon nutmeg
1 1/2 cups PET® Evaporated Milk
1/4 cup ERER RABBIT® Molasses
Unbaked PET-RITZ® Piecrust Shells
Makes 2 pies
Gold Label for light flavor. Green Label for robust flavor.

Preheat oven to 375°. In large mixing bowl, combine eggs and pumpkin. Add sugar, salt and spices to pumpkin mixture. Stir in evaporated milk. Add molasses; blend.
Place pie crust shells on cookie sheet; pour one-half mixture into each shell.
Bake on cookie sheet 40 to

45 minutes or until knife inserted 2 inches from edge comes out clean.
Cool. Garnish with whipped cream. Each pie serves 6.
(Optional: For crimped appearance, thaw crust slightly. Crimp edge. Turn crust to freezer until ready to use.)

her conversations with Marge Farber. I also called Mary's daughters, Claire and Heidi. Claire testified that Carl had never stayed at their house overnight before his marriage to Mary. Heidi told how after leaving the bridge studio the night before Carmela's death, Carl had bought root beers for her and her mother, and had then left them.

One of the best witnesses I produced in New Jersey did not appear in Flor-

ida, and he was conspicuous by his absence from the stand. He was Carl Coppolino, and it was his own decision not to testify. It was a terrible mistake.

In Freehold, there had been a self-purported witness to the alleged crime—a crime that never occurred. Carl had testified to counter Marge Farber's wild story of what happened the weekend her husband died. But in Naples, the case was purely circumstantial.

And Carl convinced himself that it was always a mistake for a defendant to take the stand in a circumstantial case. Ironically, the Sheppard trial was his trigger. He'd been impressed by the fact that Sam hadn't testified, and he wanted to know why. I didn't tell him that Sam was in no shape to go on any witness stand, but I did explain that to begin with, Sam had told his story eleven times, and that it was going to come (continued)

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F. LEE BAILEY continued

into evidence through others and wouldn't change if he testified to it.

In most instances, the smart move is for the defendant to stay off the stand in a circumstantial case. But there are exceptions to every rule and, as I tried to tell Carl, this was one of them. If he had taken the stand, Carl could have explained away the one incriminating factor—the needle track in Carmela's buttock. There was a perfectly good explanation. Carmela took vitamin B-12 shots and administered them to herself in the buttocks. But unless Carl testified, there was no way to get that fact before the jury. I told Carl there was a long difference between his case and Sam Sheppard's. And I also told him that he should give consideration to the fact that he was a fine witness, and that Sam was a poor one. The night before he would have gone on the stand, Carl came to his final decision. He would not testify.

Nevertheless, when the jury went out at 5:15 P.M. on April 27, I thought we would win. The state's case was built upon a cobweb of inference and conjecture, and its key witness had admitted that his findings weren't even solid enough for publication. "This is a brand new case to all law and all medicine," I'd said in my summation. "There is no certainty in it. There is no competent evidence on the cause of death."

At 10:20 P.M., the jurors took an overnight recess. At 9 the next morning, they resumed deliberations. A half-hour later, they had a verdict. "We, the jury," read the court clerk,

"find the defendant guilty of murder in the second degree as charged. So say we all."

The second-degree conviction was a strange verdict. In all states, premeditation is necessary for a first-degree verdict. But in Florida, second-degree murder specifically must involve a lack of premeditation. It is difficult to see how a poisoning could be committed without premeditation.

Judge Silvertooth could have sentenced Carl to a minimum of 20 years. He picked the maximum. "You shall be delivered to the custodian of the state prison at Raiford, Florida, for the remainder of your natural life," he told Carl.

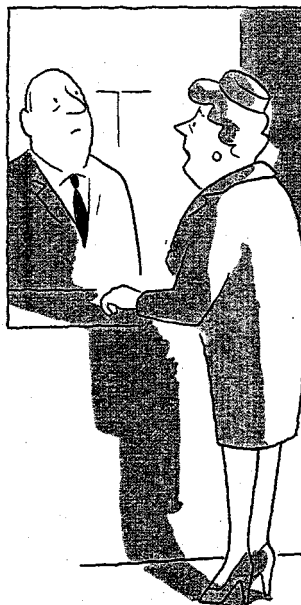
"My children have no father"

After the verdict, Marjorie Cullen Farber composed a statement for the press. "Although I have sympathy for the parents and children of Carl Coppolino," she said, "please keep in mind that my husband is dead and my children have no father because of this man's action." It was as if Freehold had never happened.

We appealed in the state courts, and were turned down. Since then, Carl has not tried to apply for the remaining remedies. At least, if he is doing anything, he's doing it without my knowledge. He's serving a life sentence, and it's a shame. He got an absolute shafting on the proof. I just don't think it was there.

As far as I know, both Marge Farber and Mary Coppolino still live in the Sarasota area. In the end, Marge got her revenge. I wonder if it satisfied her. There are all kinds of hells. **END**

CHARGE ACCOUNTS



chon Day

"I'm Mrs. Harvey. I've come to give myself up."